

1 Q And it was operational. Is that correct?

2 A It was.

3 Q Do you know the date that it became operational?

4 A I'd have to look at the 800A because that's close
5 to the date that it would have. Let me look and see.

6 Q I believe Exhibit 60 is the 800A.

7 A Yes. Let me look and see. About 5/6/97, along
8 that period of time. That information generally comes from
9 the service manager after he got it put up and turned on.

10 Q Is her station still operational?

11 A It is.

12 Q Okay. Are you still using it in the business of
13 DLB and Metroplex?

14 A We are.

15 Q Is it fully loaded? Is that channel fully loaded?

16 A Yes.

17 Q When you requested that Ms. Lutz obtain a license
18 in her name, did you have any agreement with her regarding
19 management of the license?

20 A Verbal.

21 Q And what were the terms of that agreement?

22 A That as long as the license were there, that she
23 had the rights to do whatever she felt like she could do,
24 should do with the license. She could cancel it, she could
25 sell it, she could do whatever she needed to do. If she

1 sold it, I'd like to have the first request to buy it.

2 Q Okay. And you specifically covered all these
3 points with her?

4 A Yes.

5 Q And she agreed to that?

6 A Yes.

7 Q At any point in time, did you have a written
8 management agreement with Carolyn Lutz?

9 A We gave her a written agreement to review and to
10 sign and give back to us.

11 Q When did you present that to her?

12 A Some time in 1998, I think. It's when all the
13 other management agreements were made. I don't know the
14 exact date.

15 Q It was after the beginning of the investigation
16 into this case by the FCC.

17 A Yes. Yes.

18 Q And did she sign the written management agreement?

19 A No.

20 Q Did she offer a counteroffer to the terms of the
21 management agreement that you presented to her?

22 A Yes, she did.

23 Q What were those terms of the counteroffer that she
24 added?

25 A I'd have to read it to you. It's substantially a

1 lot of changes that she wanted. And if it's in your
2 document, I can read it out loud.

3 Q I don't know if it's in my documents. I don't
4 believe it's in my documents.

5 Do you recall from your memory what the variation
6 in terms was, how she changed the management agreement that
7 you had presented to her?

8 A She wanted to keep full authority of FCC rules in
9 her hands. She wanted to have an increase in -- I think it
10 was an increase in salary, increase in vacation time, and a
11 lot of other little rules that she wanted and also
12 additional type of money, so much per profit and everything
13 else, per each year. It's a very substantial change.

14 Q She wanted an accounting also, didn't she, of what
15 revenues and expenses and profits pertained to that station?

16 A Well, let's look and see. You know --

17 Q Do you recall that?

18 A No, I do not recall that.

19 Q And the changes that she requested were not
20 acceptable to you?

21 A It moved over into where we have two weeks
22 vacation, that kind of policy, it was unacceptable by us.

23 Q Okay. Do you have any type of management
24 agreement for station WPJR763 at the current time?

25 A What --

1 Q That's Carolyn Lutz's station. Same station.

2 A No. We do not. Do not.

3 Q So at this point you are managing and operating
4 that station without any sort of agreement?

5 A Her verbal agreement still stands.

6 Q As far as you're concerned, the verbal agreement
7 is still valid.

8 A That's right.

9 Q Did Ms. Lutz have access to the tower site where
10 her station is located?

11 A She had access to it.

12 Q She did? She could get in?

13 A She sure could.

14 JUDGE STEINBERG: When you say the tower site,
15 I presume that if you wanted to, you could drive your car up
16 to the tower site, so therefore you would have access to the
17 tower site, but you might not be able to get through the
18 chain link fence, so I think you want to sharpen the
19 question.

20 BY MS. LANCASTER:

21 Q She knew that her station was located in Allen,
22 Texas?

23 A Correct.

24 Q Would she have a combination to the door to get
25 into -- I believe you testified earlier there is a little

1 room or house or something at the tower. Is that correct?

2 A Blockhouse.

3 Q Blockhouse. And that that blockhouse is kept
4 locked with a combination lock.

5 A That's correct.

6 Q Would she have been able to get into the
7 blockhouse?

8 A Yes.

9 Q She knew the combination?

10 A She knew where to get it out of the book. Yes.

11 Q So if only knowing how to get it out of the book
12 qualifies as access, anyone that worked for DLB would have
13 access to that information. Is that correct?

14 A That's correct.

15 Q Did she know how to turn the station off or on?

16 A That I do not know.

17 Q Okay. Did she have any say in where you applied
18 for a station, what site you applied to when you put in an
19 application on her behalf?

20 A Yes. We told her.

21 Q Okay. If she didn't want to be in Allen, could
22 she have told you somewhere else, she wanted to be somewhere
23 else?

24 A She could have told us.

25 Q And would you have applied in her name for another

1 location?

2 A No.

3 JUDGE STEINBERG: What if she went off the air?

4 Opened the combination, door, whatever -- you said there was
5 a chain link fence around the blockhouse?

6 THE WITNESS: Yes, sir.

7 JUDGE STEINBERG: And there was a combination on
8 the chain link fence?

9 THE WITNESS: Yes, sir.

10 JUDGE STEINBERG: And once you got through there,
11 was there another combination on the blockhouse or you just
12 opened the door the blockhouse?

13 THE WITNESS: I think you just opened the door to
14 the blockhouse.

15 JUDGE STEINBERG: And by blockhouse, I picture
16 like a cinder block --

17 THE WITNESS: Correct.

18 JUDGE STEINBERG: A rectangle.

19 THE WITNESS: Yes, sir.

20 JUDGE STEINBERG: With some kind of a roof on it.

21 THE WITNESS: Yes, sir.

22 JUDGE STEINBERG: And with all this equipment
23 laying out there.

24 THE WITNESS: Yes, sir.

25 JUDGE STEINBERG: Could she go in there and know

1 which equipment pertained to her station?

2 THE WITNESS: Knowing her frequency, which she has
3 a copy of the license, she could.

4 JUDGE STEINBERG: Are they labeled?

5 THE WITNESS: Yes.

6 JUDGE STEINBERG: And is there an on/off switch?

7 THE WITNESS: Yes.

8 JUDGE STEINBERG: And so she could have just gone
9 up there and pushed the off switch and turned it off?

10 THE WITNESS: Yes, sir.

11 JUDGE STEINBERG: And then what would have
12 happened if she had actually -- she never did that, did she?

13 THE WITNESS: No.

14 JUDGE STEINBERG: Okay. So if I asked you what
15 would have happened if she did do that, there would be an
16 objection because it's speculative.

17 Right?

18 MR. ROMNEY: That's correct.

19 JUDGE STEINBERG: So I'll save you the time.

20 MR. ROMNEY: What would you have ruled?

21 JUDGE STEINBERG: I would have sustained it
22 because it is. I told you that yesterday.

23 BY MS. LANCASTER:

24 Q Did Ms. Lutz ever offer any direction to you
25 regarding who she wanted to work on matters pertaining to

1 her station?

2 A Not directly to me. She could to the service
3 manager.

4 Q And she did that as part of her job duties there?

5 A That's correct.

6 Q Since she has -- when did she leave DLB's
7 employment?

8 A I think September of the year 2000 -- 2000.

9 Q Okay. Could she still go in tomorrow if she
10 wanted to, could she go into the blockhouse?

11 A Yes.

12 Q You would tell her the combination to the lock?

13 A No, she probably remembered it. She kept a lot of
14 things in her mind.

15 Q She would not have any access at this point.

16 A It's still the same number.

17 Q Okay. But if she didn't remember it, would you
18 tell it to her?

19 A I would not.

20 Q Would you allow anyone at DLB to give her that
21 combination?

22 A I'd have to be faced with that, Judy. That's just
23 a guess on my part. I say I would not. Now, what would
24 happen with the other people at DLB, I do not know.

25 Q If Ms. Lutz called DLB today and said she wanted

1 only certain people to work on anything pertaining to her
2 station, would that request be honored?

3 MR. ROMNEY: Objection. Calls for speculation.

4 JUDGE STEINBERG: Sustained.

5 BY MS. LANCASTER:

6 Q She has no control at this point over who works on
7 anything pertaining to her station, does she?

8 A Let me ask you this --

9 Q No, don't ask me anything, Mr. Brasher. Please
10 answer my question.

11 A State it again.

12 Q It's a yes or no question.

13 A State it again.

14 Q Ms. Lutz has no control at this point over the
15 personnel who work on her station.

16 A Yes, she does.

17 Q And how does she have control over that?

18 A She can hire anybody in the world to go up there
19 and let them work in that station.

20 Q And if she doesn't know the combination to the
21 lock, you're going to give that to her so that whoever she
22 hires can go in and work on the station?

23 A I would not give it. She knows that combination.

24 Q I'm saying if she does not know it.

25 A I will not. Myself will not.

1 Q Would DLB give that combination to anyone who
2 wanted to go work on that station?

3 MR. ROMNEY: Objection. Calls for speculation.

4 JUDGE STEINBERG: I don't think so.

5 If you can answer it.

6 THE WITNESS: Would DLB?

7 MS. LANCASTER: Yes.

8 THE WITNESS: I would not know that.

9 BY MS. LANCASTER:

10 Q Who would know that?

11 A It would be a question to them and they'd have to
12 say they don't know if they would or not.

13 Q That's what they'd have to say? There would be no
14 policy --

15 A No, I don't know.

16 Q There's no policy at DLB about giving out the
17 combination to the Allen site?

18 A Judy, there is probably seven or eight companies
19 that's got that same combination in there. If she called
20 Champion and said go up there and cut my repeater off,
21 Champion has that same combination as we do. It's a uniform
22 combination, it's not just for us.

23 Q Champion has no obligation to Ms. Lutz, however,
24 do they?

25 A If she hires them.

1 JUDGE STEINBERG: Who is Champion? Is that a
2 company that services repeaters and controllers?

3 THE WITNESS: They're one of our competitors.

4 JUDGE STEINBERG: Oh, okay.

5 BY MS. LANCASTER:

6 Q But Champion does not manage that station, do
7 they?

8 A No.

9 Q You manage that station.

10 A Yes.

11 Q Do you have any obligation to take direction from
12 Ms. Lutz regarding the operation of that station?

13 A If she gives us directions as a license holder we
14 do have an obligation.

15 Q Has she ever given you any directions?

16 A Yes.

17 Q Has she given you any directions since left your
18 employ?

19 A No. That I know. Because I -- you know --

20 Q Since she left your employ, has DLB and/or
21 Metroplex provided Ms. Lutz any information regarding the
22 revenues received from operation of her station?

23 A Since she left?

24 Q Yes.

25 A No.

1 Q Have you provided her with any information
2 regarding the expenses paid out for operation of her
3 station?

4 A Let me retract the last one. As far as I know,
5 when I left in '98, it was not done. Now I do not know.

6 Q So any of your answers are going to be given only
7 as far as whatever the date was that you left.

8 A That's correct.

9 Q And that's the end of '98?

10 A November of '98.

11 Q Do you still have access to the financial records
12 of DLB?

13 A I do not look at them, I do not review them.

14 Q You still have access to them.

15 A Yes, as a shareholder.

16 Q And you still go into DLB's office?

17 A Pick up mail, do things like that, that's about
18 it.

19 Q You don't do any work at DLB any more?

20 A Besides customary things that I usually do and
21 chit chat with the employees, no.

22 Q What does customary things you usually do mean?

23 A Back to the Coke machine and all the stuff like
24 that, see if I got any kind of mail, answer any kind of
25 questions that someone may call. And that's about it.

1 Q You don't do any substantive work for DLB at this
2 point?

3 A Describe that, Judy.

4 MR. ROMNEY: Could we have a timeframe? Are we
5 talking this week, last week?

6 JUDGE STEINBERG: All these questions, my
7 understanding was, are after the period of time that he
8 retired.

9 Is that correct, Ms. Lancaster?

10 MR. ROMNEY: She's been using the word currently.
11 I don't know what that means.

12 JUDGE STEINBERG: After he retired, these
13 questions are what he's done at the company and what he's
14 not done at the company from the time he retired to now and
15 that's currently.

16 MR. ROMNEY: Well, I don't think that's -- 1998
17 until 2001 is a long period of time. I don't think that's
18 necessarily currently.

19 JUDGE STEINBERG: Let me ask the witness.

20 Were you confused by the questions? Did you
21 understand what Ms. Lancaster was asking when she said
22 currently?

23 THE WITNESS: Some of it. And I'm trying to just
24 answer what I do know on it, some of the answers would be.
25 You know, like for example, I do go in and --

1 JUDGE STEINBERG: This is from, what December '98?

2 THE WITNESS: November.

3 JUDGE STEINBERG: November '98 to now.

4 Do you want to start again?

5 MS. LANCASTER: Let me backtrack a little bit,

6 Your Honor.

7 JUDGE STEINBERG: And just preface everything from
8 November '98 to now.

9 BY MS. LANCASTER:

10 Q You do recall giving a deposition in November,
11 last November, don't you?

12 A Yes.

13 Q And at that time, how many hours were going in or
14 doing work for DLB each week?

15 A It depends. Some days I didn't even go in and the
16 other times it's whenever I was working on this situation
17 now. And if I had a lot of stuff I needed to do, requests
18 from attorneys, I'd spend a little bit more hours there.

19 Q On average, how many hours?

20 A Usually get there early in the morning and then
21 leave about one, something like that. Most of the time, on
22 days when I was there.

23 JUDGE STEINBERG: You said early in the morning
24 was about quarter to six?

25 THE WITNESS: Yes. And then I sat down and read

1 the paper and had coffee.

2 JUDGE STEINBERG: Until everybody else comes i.

3 THE WITNESS: Yes. And they came in about 8:00,
4 8:30, along through there.

5 BY MS. LANCASTER:

6 Q And when you left at -- you're now saying 1:00,
7 did you run errands on behalf of DLB?

8 A Sometimes I did. If I was going home and there
9 was something, a piece of equipment needed to be dropped off
10 to a customer along my way, definitely I dropped that off.

11 Q Were you participating in the day-to-day
12 operations of DLB back in November, this past November?

13 JUDGE STEINBERG: November 2000?

14 MS. LANCASTER: 2000.

15 THE WITNESS: 2000? No.

16 BY MS. LANCASTER:

17 Q Were you participating in financial decisions in
18 November of 200 that were made on behalf of DLB?

19 A No.

20 Q Were you participating in any policy decisions
21 made on behalf of DLB in November of 2000?

22 A No. And if I did, it would be as a shareholder,
23 but, no, I did not.

24 Q Did you have anything to do with the management of
25 these licenses -- let's just stick with this one. The

1 management of Carolyn Lutz's license as of November 1, 2000?

2 A No.

3 Q How about management of any of the Sumpter
4 licenses? As of November 1, 2000?

5 A No.

6 Q When was the last time that you participated in
7 the day-to-day operations of DLB and Metroplex?

8 A Day-to-day --

9 Q Or Metroplex.

10 A Or Metroplex? It would probably be just about
11 November 15th, along through that period of time.

12 Q November 15th of what year?

13 A 1998.

14 Q When did you actually retire from DLB/Metroplex?

15 A November 15, 1998.

16 Q So it's now your testimony that subsequent to your
17 retirement, you have not participated in the day-to-day
18 operations of DLB/Metroplex?

19 A That's correct.

20 Q And subsequent to your retirement, you have not
21 participated in any financial decisions relative to DLB
22 and/or Metroplex?

23 A That's correct.

24 Q And subsequent to your retirement you have not had
25 anything to do with the management of any station or

1 licenses managed by DLB/Metroplex?

2 A Correct.

3 (Pause.)

4 MS. LANCASTER: Can we go off the record for one
5 moment, Your Honor?

6 JUDGE STEINBERG: Yes. Let's go off the record.

7 (A brief recess was taken.)

8 JUDGE STEINBERG: Back on the record.

9 BY MS. LANCASTER:

10 Q Who receives the monies that come in as a result
11 of operation of Carolyn Lutz's station?

12 A DLB/Metroplex Two Way.

13 Q And who pays any operational costs that are
14 incurred as a result of management of Carolyn Lutz's
15 station?

16 A The tower site is paid on the Brasher account
17 which is a company account and the rest is paid by
18 DLB/Metroplex.

19 Q Who owns the repeater used by Carolyn Lutz's
20 station?

21 A Brasher personally.

22 Q And is that repeater then rented to DLB?

23 A That's correct.

24 Q And part of the operational expenses of operating
25 Carolyn Lutz's station would be the rent on that equipment?

1 A The rent on the equipment or the site rent?

2 Q Well, right now, I'm asking you about the rent on
3 the equipment.

4 A Yes.

5 Q And then there would also be a separate site
6 rental fee. Is that correct?

7 A Correct.

8 Q And who is that paid to?

9 A The site people.

10 Q And who are they?

11 A American Towers.

12 Q Do you know how much the site rental payment is
13 each month?

14 A No. I do know what it was back before I left.

15 Q How much was?

16 A About 375 plus electricity, close to \$400 apiece.

17 Q Okay. And is that the site rent for each of the
18 stations located at that site?

19 A That I could not tell you.

20 Q Do you know whether or not there is a separate fee
21 for each station located at that site?

22 A It could be. Between the time it was turned on or
23 the contract was made, some was under one contract, some
24 could be under another one, and as the contractor renewed
25 most of the time, the tower people raised the rent, so

1 I don't know. It's a break in that number of dollars by
2 repeater site, whether you have a repeater or not.

3 Q So you don't know whether or not they charge per
4 repeater.

5 A They do charge per repeater, but if one repeater
6 goes on in the first part of one month and then three months
7 later another repeater goes on, it could be another
8 contract, that same site, but at a different rate.

9 Q So as I'm understanding it, you don't know what
10 rate is charged for the site rental for Ms. Lutz's station.

11 A When I left, it was 375 plus electricity which was
12 probably \$20, \$30, maybe even more.

13 Q Okay. And that just covered her station, it
14 didn't cover anybody else's station.

15 A That's correct.

16 JUDGE STEINBERG: Will you give me that number
17 again?

18 THE WITNESS: \$375 for the site and then
19 electricity was \$20, \$30 onto that. It varied by month, air
20 conditioning.

21 JUDGE STEINBERG: Okay. Thank you.

22 BY MS. LANCASTER:

23 Q Who paid for the construction of Ms. Lutz's
24 station?

25 A You need to be a little clearer on that.

1 Construction? They're just a black box about two by three
2 by two. And you just -- you know, you tune it and most of
3 the time it comes in with the frequency there, tune it, mark
4 it, be sure it's running and then take it up and put it in
5 and tie the connectors and wires to it. That work was done
6 by Metroplex Two Way.

7 Q Okay. Metroplex installed the black box that
8 you're talking about.

9 A Yes.

10 Q And you and Pat paid for the black box. Is that
11 correct?

12 A Correct. Correct.

13 Q Who paid the Metroplex employees to install the
14 black box?

15 A DLB/Metroplex.

16 Q Was Carolyn Lutz ever required to pay any monies
17 toward the cost of installation of that black box?

18 A No.

19 Q Was she ever required to pay any monies towards
20 the cost of that black box?

21 A No.

22 Q Was she ever required to pay any monies at all
23 relating to her license?

24 A No.

25 Q Did you ever discuss payments of any monies

1 towards any of these costs with her?

2 A I would not have.

3 Q And I believe you stated that she never has
4 received any money for the use of her license. Is that
5 correct?

6 A Only what she would use for her radio system.
7 That's correct.

8 Q No cash.

9 A That I know of. No. No cash.

10 Q Does she still have her radio?

11 A No.

12 Q When did she turn that in?

13 A Two or three days after she resigned.

14 Q So at the present time, she is receiving no
15 payment at all for the use of her station.

16 A That's correct. As far as I know. Now, not being
17 there, I do not know. I'll say I do not know.

18 JUDGE STEINBERG: Did you ask her to return the
19 radio?

20 THE WITNESS: Yes. Yes, sir.

21 JUDGE STEINBERG: After she left the employment of
22 DLB?

23 THE WITNESS: Yes, sir. The company did,
24 Your Honor.

25 JUDGE STEINBERG: Who on behalf of the company

1 asked? If you know.

2 THE WITNESS: I think it would have probably been
3 Diane because she handled the separation.

4 JUDGE STEINBERG: You didn't do it personally.

5 THE WITNESS: No, I did not.

6 BY MS. LANCASTER:

7 Q Did you participate in the decision to get the
8 radio back from Carolyn when she quit?

9 A I was not there.

10 Q Did anyone from DLB/Metroplex ask your opinion as
11 to whether or not they should get the radio back from
12 Carolyn?

13 A Not my opinion.

14 Q Did you talk to anybody at DLB and/or Metroplex
15 about that decision?

16 A Not that I know of.

17 Q When were you informed that she had been asked to
18 turn the radio back in?

19 A I don't know. I just know that it was turned back
20 in, but I don't know what day or what time or anything like
21 that. A week or so afterwards or something like that,
22 I guess.

23 Q I'm sorry, I think I interrupted you. Did you say
24 a week or so after it had occurred?

25 A Yes.

1 Q And that was a yes?

2 A That was a yes.

3 (Pause.)

4 Q Mr. Brasher, would you please turn to Exhibit 17?

5 A I'm there.

6 Q This is a response filed on behalf of DLB to a
7 Commission inquiry and on page 8 of Exhibit 17 --

8 JUDGE STEINBERG: And you want the little typed
9 number 8?

10 MS. LANCASTER: Yes.

11 BY MS. LANCASTER:

12 Q There appears to be your signature and it appears
13 to be a handwritten date of 12/4/98.

14 Is that your signature?

15 A Yes, ma'am.

16 Q And did you write the date?

17 A Yes, ma'am.

18 Q Okay. And this was submitted to the Commission
19 with your permission?

20 A Yes, ma'am.

21 Q You had a chance to review it prior to its
22 submission to the Commission?

23 A Yes, ma'am.

24 JUDGE STEINBERG: Well, having a chance and
25 actually reviewing it are two different things.

1 BY MS. LANCASTER:

2 Q Did you actually review it?

3 A I'm sure I did.

4 Q Let's look at Exhibit 19, which is the big
5 exhibit.

6 JUDGE STEINBERG: That's the giant exhibit.

7 MS. LANCASTER: Yes, sir.

8 JUDGE STEINBERG: And it's, I assume, the very
9 last page, right? The next to the last page.

10 MS. LANCASTER: Bates stamp page 630.

11 JUDGE STEINBERG: Yes.

12 (Pause.)

13 THE WITNESS: I'm there.

14 BY MS. LANCASTER:

15 Q Bates stamp page 630 appears to be -- or is a
16 verification that appears to have your signature on it.
17 Did you sign that page?

18 A I did.

19 Q And just for identification purposes, this was a
20 submission, Exhibit 19 is a submission made to the FCC on
21 your behalf and on behalf of DLB. Is that correct?

22 JUDGE STEINBERG: You don't have to flip through
23 the whole book, just the first page.

24 THE WITNESS: The first page? I don't remember
25 seeing all this stuff, all this at one time, that's for

1 sure.

2 (Pause.)

3 THE WITNESS: I'm at the front, the first page.

4 BY MS. LANCASTER:

5 Q This was submitted to the Commission on behalf of
6 DLB? Is that correct?

7 A Yes.

8 Q And you were consulted about its submission by
9 Schwaninger & Associates?

10 A Correct.

11 Q Did you gather the materials that are part of this
12 exhibit?

13 JUDGE STEINBERG: If you need time to look at it,
14 we'll take all the time you want. It's a big exhibit. Or
15 there's an alternative and that is we could take a break and
16 during the break you can have an opportunity to look at the
17 materials and then when we come back from the break you can
18 answer the question, however you want to do it. I don't
19 care.

20 Do you want to have an opportunity to look at this
21 stuff?

22 THE WITNESS: I'd like to scan through it.

23 JUDGE STEINBERG: Sure. Okay.

24 Do you have any objection to that?

25 MS. LANCASTER: No, sir.

1 JUDGE STEINBERG: Why don't we break until 10:30.

2 (A brief recess was taken.)

3 JUDGE STEINBERG: We're back on the record.

4 Mr. Brasher, during the break, did you review
5 Exhibit 19, including all the attachments to the letter?

6 THE WITNESS: I did, Your Honor.

7 JUDGE STEINBERG: Okay. Ms. Lancaster?

8 BY MS. LANCASTER:

9 Q I believe that I had asked you whether you had
10 gathered the documents that were included in Exhibit 19. Is
11 that correct?

12 A That's correct.

13 Q Did you?

14 A Yes.

15 Q And you reviewed Exhibit 19 prior to its
16 submission to the FCC?

17 A I did.

18 Q Exhibit 25 is your response to the Bureau's
19 request for admissions of fact. Was that sent to the
20 Commission on your behalf by your attorneys, Mr. Brasher?

21 A Yes, ma'am.

22 Q And on page 8 of this exhibit, there's an
23 affidavit that appears to have your signature. Did you sign
24 page 8? Did you sign that affidavit?

25 A I did.

1 Q Did you have a opportunity to review the
2 Commission's questions and to review the responses that were
3 sent back to the Commission in response to those questions?

4 A I did.

5 JUDGE STEINBERG: Now, you used again "the
6 opportunity".

7 MS. LANCASTER: I'm sorry.

8 BY MS. LANCASTER:

9 Q Did you review the questions that the Commission
10 asked? The request for admissions, did you review them?

11 A I did.

12 Q Did you review your answers to the Commission's
13 request for admissions before your answers were sent back to
14 the Commission?

15 A I did.

16 (Pause.)

17 MS. LANCASTER: Your Honor, I would like offer
18 into evidence three pages from the deposition of
19 Mr. Sumpter. It's his testimony that occurred --
20 Mr. Brasher, I'm sorry. It is testimony that occurred on
21 December 5, 2000. And the pages in the amended copy of that
22 document are page 233 through 236.

23 MR. ROMNEY: Excuse me, Your Honor. Could I have
24 the pages in the prior version?

25 MS. LANCASTER: I'll have to find a copy to tell

1 you what those pages are.

2 JUDGE STEINBERG: Do you have copies for the
3 reporter and everybody else?

4 MS. LANCASTER: I do not have copies at this time
5 but before he closes we can go make copies, Your Honor, of
6 these three pages.

7 JUDGE STEINBERG: Okay. Why don't you go make the
8 copies for everybody and then we'll get it identified.

9 MS. LANCASTER: Okay.

10 (Pause.)

11 JUDGE STEINBERG: Is there something that we can
12 be doing while we're waiting?

13 MS. LANCASTER: Yes, sir.

14 JUDGE STEINBERG: Or would you rather just wait?

15 MS. LANCASTER: Hold on a second. I just want to
16 make sure there aren't any other submissions that we need
17 to --

18 JUDGE STEINBERG: Mr. Romney, did you pull up
19 those pages?

20 MR. ROMNEY: I don't know what pages they are.

21 MS. LANCASTER: Page 93.

22 MR. ROMNEY: I'm sorry.

23 JUDGE STEINBERG: I assume they're the ones we
24 were talking about yesterday.

25 MS. LANCASTER: It has to do with the documents to